

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: : Case No. 14-55339
Terry Eugene Johnson : Chapter 13
Pamela Ann Johnson : Judge Preston
Debtors. :

TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO SELL REAL PROPERTY
(Doc. 55)

Now comes Frank M. Pees, Chapter 13 Trustee herein ("Trustee"), and hereby responds in opposition to the Debtors' Motion to Sell Real Property located at 34 Rainbow Avenue, Sunbury, Ohio 43074 (Doc. 55) (the "Motion") filed by the Debtors Terry Eugene Johnson and Pamela Ann Johnson ("Debtors"). In support of his response, the Trustee states as follows:

In their Motion, Debtors seeks permission to sell the business property located at 34 Rainbow Avenue, Sunbury, Ohio 43074. From the sale proceeds, Debtors propose to pay the mortgage owed to Delaware County Bank and Trust and a State of Ohio Bureau of Worker's Compensation lien, both recorded in Delaware County. Debtors also seek to retain \$25,000.00, to be held in trust by their counsel, for anticipated 2015 capital gains tax liability. The remaining proceeds are to be paid into the Chapter 13 plan.

Debtors' motion does not provide a Good Faith Estimate (HUD-1) Statement so that a determination can be made regarding the net proceeds that will be paid into the plan.

The Trustee requests additional information regarding how Debtors calculated an estimated capital gains tax liability of \$25,000.00.

The Trustee requests a copy of Debtors' 2015 Federal Income Tax Return, with 14 days of filing, to verify Debtors' 2015 tax obligation.

The Trustee further requests that any of the proposed \$25,000.00 to be held by Debtors' counsel that is not used to pay Debtors' tax obligation be tendered to the Chapter 13 Trustee for the benefit of creditors.

Wherefore, as all of the lienholders of the subject property have not been listed in Debtor's Motion, the Trustee respectfully requests that this Court enter an order denying the Motion to Sell Real Estate as submitted.

Respectfully submitted,

/s/ Frank M. Pees by DTP

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road, Suite #200

Worthington, Ohio 43085-6300

(614) 436-6700

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2015 a copy of the Trustee's Objection to Debtor's Motion to Sell Real Property (Doc. 55) was served on the following registered ECF participants, **electronically**, through the Court's ECF System at the email address registered with court: or by ordinary U.S. Mail at the address indicated.

Asst. U.S. Trustee
Stacy E. Mills, Attorney for Debtors
Frank M. Pees, Chapter 13 Trustee

And on the following by **ordinary U.S. Mail** addressed to:

Terry Eugene Johnson
Pamela Ann Johnson
3560 South State Route 605
Galena, Ohio 43021

/s/ Frank M. Pees by DTP
Frank M. Pees
Chapter 13 Trustee